

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

ERIC ESANCY

Plaintiff,

vs.

JAMES T. QUINN

Defendant.

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No.:5:05CV26

**DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S DEFAMATION CLAIMS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant James T. Quinn is entitled to dismissal of the defamation claims asserted against him by Plaintiff Eric Esancy based upon Plaintiff's failure to state a claim upon which relief may be granted. In support of this Motion, Defendant incorporates and relies upon his Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Defamation Claims.

Respectfully submitted,

/s/ Clisby Hall Barrow

Clisby Hall Barrow (B.P.R. No. 14744)

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon Filing Users via the electronic filing system and on other counsel via U. S. Mail, first-class postage prepaid, this September 30, 2005, on the following:

C. Gary Triggs
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/s/ Clisby Hall Barrow

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